



PATENT
Attorney Docket No. A-64789-3
Dorsey File No. 463037-00104

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

MEADE

Serial No. 09/841,809

Filed: April 24, 2001

For: DETECTION OF ANALYTES
USING REORGANIZATION
ENERGY

Examiner: Monshipouri, M.

Group Art Unit: 1652

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on:

Dated: June 17, 2005

Signed: 

Brent Yonehara

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Petitioner, **Clinical Micro Sensors, Inc. ("CMS")**,

represents that it is the assignee of the entire right, title, and interest of

- (1) the instant application, Serial No. 09/841,809, which is a continuing application of Serial No. 09/096,504, filed June 12, 1998, now U.S. Patent No. 6,013,170 and of Serial No. 08/873,977, filed June 12, 1997, now U.S. Patent No. 6,013,459; and
- (2) U.S. Patent No. 6,013,170, issued January 11, 2000, and
- (3) U.S. Patent No. 6,248,229, issued June 19, 2001.

06/22/2005 EAREGAY1 00000004 09841809

01 FC:1814

130.00 0P

Written assignment proof for Patent Application No. 09/096,504 is recorded in the U.S. Patent and Trademark Office at Reel/Frame 9555/0167. Written assignment proof for Patent Application No. 08/873,977 is recorded in the U.S. Patent and Trademark Office at Reel/Frame 8904/0599. A copy of each assignment is attached to this Terminal Disclaimer.

CMS hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154-156 and 173, as shortened by any terminal disclaimer, of prior patents Nos. 6,013,170 and 6,248,229 (hereinafter "the prior patents").

CMS hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, CMS does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of prior patents Nos. 6,013,170 and 6,248,229, as shortened by any terminal disclaimer, in the event that either of the prior patents later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

The undersigned is empowered to act on behalf of the petitioner/assignee. The undersigned has reviewed the evidentiary documents in the chain of title of the present

application identified above and certifies that, to the best of assignee's knowledge and belief, title is held by the assignee, CMS.

I, the undersigned, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that willful, false statements may jeopardize the validity/enforceability of the application or any patent issued thereon.

Dated: 6/17/05
Dorsey & Whitney LLP
Four Embarcadero Center
Suite 3400
San Francisco, California 94111-4187
Telephone: (415) 781-1989
Fax No. (415) 398-3249

Respectfully submitted,

DORSEY & WHITNEY LLP

By: Robin M. Silva

Robin M. Silva, Reg. No. 38,304
Filed under 37 C.F.R. § 1.34(a)

Customer Number: **32940**

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FEBRUARY 23, 1999

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FLEHR HOHBACH TEST ALBRITTON & HERBERT
ROBIN M. SILVA
SUITE 3400
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4187



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RECORDATION DATE: 10/29/1998

REEL/FRAME: 9555/0167
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MEADE, THOMAS J.

DOC DATE: 09/11/1998

ASSIGNEE:

CLINICAL MICRO SENSORS, INC.
101 WAVERLY DRIVE
PASADENA, CALIFORNIA 91105

SERIAL NUMBER: 09096504
PATENT NUMBER:

FILING DATE: 06/12/1998
ISSUE DATE:

JOANN STEWART, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS



10/29/98

100872267

To the Honorable Assistant Commiss
documents or copy thereof.

Please record the attached original

1. Name of conveying party(ies):

THOMAS J. MEADE

Additional name(s) of conveying
party(ies) attached? [] Yes [X] No

3. Nature of Conveyance:

[X] Assignment [] Merger
[] Security Agreement [] Change of Name
[] Other

Execution Date: September 11, 1998

2. Name and address of receiving party(ies):

Name: CLINICAL MICRO SENSORS, INC.

Internal Address:

Street Address: 101 WAVERLY DRIVE

City: PASADENA, CALIFORNIA

Country U.S.A. Zip: 91105

Additional name(s) & address(es) attached?

[] Yes [X] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No. (s)

09/096,504

B. Patent No. (s)

Additional numbers attached? [] Yes [X] No

5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: ROBIN M. SILVA

Internal Address: FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Street Address: SUITE 3400

FOUR EMBARCADERO CENTER

City: SAN FRANCISCO

State: CA Zip: 94111-4187

6. Total number of applications
and patents involved:

1

7. Total fee (37 CFR 3.41):\$ 40.00

[X] Enclosed

[] Authorized to be charged to
deposit account

8. Deposit account number: 06-1300

Please debit any underpayment or credit any
overpayment to the above deposit account.

Our Order No. A-64789-1/RFT/RMS

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and
correct and any attached copy is a true copy of the original document.

ROBIN M. SILVA

Name of Person Signing

REG. NO. 38,304

Signature

Date

Total number of pages including cover sheet, attachments and document: [5]

OMB No. 0651-0011 (exp. 4/94)

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Washington, DC 20231

File No. A-64789-1/RFT/RMS

Rev. 8/93 (600635)

11/05/1998 DNGUYEN 00000213 09096504

01 FC:581

40.00 OP

ASSIGNMENT

WHEREAS, the undersigned, Thomas J. Meade (hereinafter termed "Inventor"), a resident of 1656 New York Drive, Altadena, County of Los Angeles, State of California, has invented certain new and useful improvements in DETECTION OF ANALYTES USING REORGANIZATION ENERGY; and having serial number 09/096,504 and filing date of 12 June 1998, and has executed concurrently herewith an application for a United States patent disclosing and identifying the invention; and

WHEREAS, Clinical Micro Sensors, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 101 Waverly Drive, Pasadena, State of California, is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered by said Inventor (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventor to have been received in full from said Assignee:

1. Said Inventor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventor hereby covenants and agrees to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventor shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or



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A-64789 / RFTJ RMS

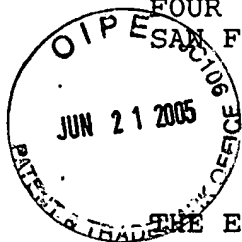
MARCH 04, 1998

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FLEHR HOHBACH ET AL.
ROBIN M. SILVA, ESQ.
SUITE 3400
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4187



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RECORDATION DATE: 01/09/1998

REEL/FRAME: 8904/0599
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MEADE, THOMAS J.

DOC DATE: 06/30/1997

ASSIGNEE:

CLINICAL MICRO SENSORS, INC.
101 WAVERLY DRIVE
PASADENA, UNITED STATES 91105

SERIAL NUMBER: 08873977

PATENT NUMBER:

FILING DATE: 06/12/1997

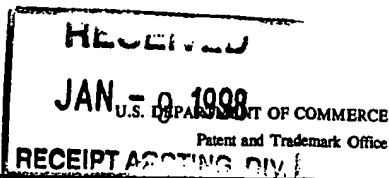
ISSUE DATE:

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ASSIGNMENT DIVISION
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01-28-1998



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To the Honorable Assistant Commissioner for P:

100614877

ginal documents or copy thereof.

1. Name of conveying party(ies):
Thomas J. Meade

Additional name(s) of conveying
party(ies) attached?

[] Yes [x] No

3. Nature of Conveyance:

[X] Assignment [] Merger
[] Security Agreement [] Change of Name
[] Other

Execution Date: June 30, 1997

2. Name and address of receiving party(ies):

Name: CLINICAL MICRO SENSORS, INC.

Internal Address:

Street Address: 101 Waverly Drive

City: Pasadena

Country U.S.A.

Zip: 91105

Additional name(s) & address(es) attached?

[] Yes [x] No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s)

08/873,977

B. Patent No.(s)

Additional numbers attached? [] Yes [x] No

5. Name and address of party to whom correspondence
concerning document should be mailed:

Name: ROBIN M. SILVA, ESQ.
Internal Address: FLEHR HOHBACH TEST
ALBRITTON & HERBERT LLP

Street Address: SUITE 3400
FOUR EMBARCADERO CENTER

City: SAN FRANCISCO

State: CA

Zip: 94111-4187

6. Total number of applications
and patents involved: 1

7. Total fee (37 CFR 3.41):.....\$40.00

[x] Enclosed

[] Authorized to be charged to
deposit account

8. Deposit account number: 06-1300

Please debit any underpayment or credit any
overpayment to the above deposit account.

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of
the original document.

Robin M. Silva
Reg. No. 38,304

Name of Person Signing

Signature

January 6, 1997

Date

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Rev. 8/93 (575695)

ASSIGNMENT

WHEREAS, the undersigned, Thomas J. Meade (hereinafter termed "Inventor"), a resident of 1656 New York Drive, Altadena, County of Los Angeles, State of California, has invented certain new and useful improvements in DETECTION OF ANALYTES USING REORGANIZATION ENERGY and has executed concurrently herewith an application for a United States patent disclosing and identifying the invention; and

WHEREAS, Clinical Micro Sensors, Inc. (hereinafter termed "Assignee"), a corporation of the State of Delaware, having a place of business at 101 Waverly Drive, Pasadena, State of California, is desirous of acquiring the entire right, title and interest in and to said application and the invention disclosed therein, and in and to all embodiments of the invention, heretofore conceived, made or discovered by said Inventor (all collectively hereinafter termed "said invention"), and in and to any and all patents, inventor's certificates and other forms of protection (hereinafter termed "patents") thereon granted in the United States and foreign countries.

NOW, THEREFORE, in consideration of good and valuable consideration acknowledged by said Inventor to have been received in full from said Assignee:

1. Said Inventor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest (a) in and to said application and said invention; (b) in and to all rights to apply for foreign patents on said invention pursuant to the International Convention for the Protection of Industrial Property or otherwise; (c) in and to any and all applications filed and any and all patents granted on said invention in the United States or any foreign country, including each and every application filed and each and every patent granted on any application which is a division, substitution, or continuation of any of said applications; and (d) in and to each and every reissue or extensions of any of said patents.

2. Said Inventor hereby covenants and agrees to cooperate with said Assignee to enable said Assignee to enjoy to the fullest extent the right title and interest herein conveyed in the United States and foreign countries. Such cooperation by said Inventor shall include prompt production of pertinent facts and documents, giving of testimony, execution of petitions, oaths, specifications, declarations or other papers, and other assistance all to the extent deemed necessary or desirable by said Assignee (a) for perfecting in said Assignee the right, title and interest herein conveyed; (b) for prosecuting any of said applications; (c) for filing and prosecuting substitute, divisional, continuing or additional applications covering said invention; (d) for filing and prosecuting applications for reissuance

